

SENATE BILL 42

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2003 Regular Session
3r0404
CF 3r0210

By: **Senator Green**

Introduced and read first time: January 16, 2003
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 19, 2003

CHAPTER _____

1 AN ACT concerning

2 **Circuit Courts - Military Discharge Papers - Limitation on Inspections and**
3 **Certified Copies**

4 FOR the purpose of requiring a clerk of a circuit court to deny inspection of the book
5 and index containing the record of a person's military discharge papers ~~in kept~~
6 by the clerk of court's office except ~~for~~ to certain persons or in accordance with a
7 subpoena or court order; limiting the provision by a clerk of court of a certified
8 copy of the record of certain military discharge papers to certain persons or in
9 accordance with a subpoena or court order; defining a certain term; and
10 generally relating to military discharge papers recorded and indexed by a clerk
11 of a circuit court.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 2-207
15 Annotated Code of Maryland
16 (2002 Replacement Volume)

17 BY repealing and reenacting, without amendments,
18 Article - State Government
19 Section 10-611(e)
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Courts and Judicial Proceedings**

2 2-207.

3 (a) FOR PURPOSES OF THIS SECTION, "PERSON IN INTEREST" HAS THE
4 MEANING STATED IN § 10-611 OF THE STATE GOVERNMENT ARTICLE.

5 (B) The clerk of the circuit court of each county shall keep a book and record
6 and index in the book the discharge papers of any person who:

7 (1) At any time has served in the armed forces of the United States; and

8 (2) Presents the discharge papers of the person for recording.

9 [(b)] (C) A clerk may not charge a fee for recording or indexing discharge
10 papers.

11 [(c)] (D) The record kept by the clerk, or a certified copy of the record, is
12 admissible in evidence in any court in the State.

13 (E) (1) A CLERK SHALL DENY INSPECTION OF THE BOOK, AND THE RECORD
14 AND INDEX IN THE BOOK, DESCRIBED IN THIS SECTION ~~TO A PERSON~~ EXCEPT:

15 (I) TO A PARTY IN A CASE CIVIL, ADMINISTRATIVE, OR CRIMINAL
16 PROCEEDING IN A FEDERAL OR STATE COURT OR GOVERNMENT AGENCY, OR THE
17 PARTY'S ATTORNEY ~~IN THE CASE~~, WHO PRESENTS EVIDENCE SATISFACTORY TO THE
18 CLERK THAT THE INSPECTION IS RELATED TO ADMITTING THE RECORD OR A
19 CERTIFIED COPY OF THE RECORD IN EVIDENCE IN ~~A CASE~~ THE PROCEEDING; ~~OR~~

20 (II) TO A PERSON IN INTEREST; OR

21 (III) IN ACCORDANCE WITH A SUBPOENA OR COURT ORDER.

22 (2) A CLERK MAY PROVIDE A CERTIFIED COPY OF A RECORD DESCRIBED
23 IN THIS SECTION ONLY ~~TO~~:

24 (I) TO A PARTY IN A CASE CIVIL, ADMINISTRATIVE, OR CRIMINAL
25 PROCEEDING IN A FEDERAL OR STATE COURT OR GOVERNMENT AGENCY, OR THE
26 PARTY'S ATTORNEY ~~IN THE CASE~~, WHO PRESENTS EVIDENCE SATISFACTORY TO THE
27 CLERK THAT THE CERTIFIED COPY IS FOR THE PURPOSE OF ADMISSION IN
28 EVIDENCE IN THE ~~CASE~~ PROCEEDING; ~~OR~~

29 (II) TO A PERSON IN INTEREST; OR

30 (III) IN ACCORDANCE WITH A SUBPOENA OR COURT ORDER.

31 **Article - State Government**

32 10-611.

33 (e) "Person in interest" means:

1 (1) a person or governmental unit that is the subject of a public record or
2 a designee of the person or governmental unit;

3 (2) if the person has a legal disability, the parent or legal representative
4 of the person; or

5 (3) as to requests for correction of certificates of death under §
6 5-310(d)(2) of the Health - General Article, the spouse, adult child, parent, adult
7 sibling, grandparent, or guardian of the person of the deceased at the time of the
8 deceased's death.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2003.